

HB 3289 A STAFF MEASURE SUMMARY**Carrier:** Rep. Williamson**House Committee On Judiciary****Action Date:** 04/08/19**Action:** Do pass with amendments. (Printed A-Eng.)**Vote:** 11-0-0-0**Yeas:** 11 - Barker, Bynum, Gorsek, Greenlick, Lewis, McLane, Piluso, Power, Sprenger, Stark, Williamson**Fiscal:** Has minimal fiscal impact**Revenue:** No revenue impact**Prepared By:** Addie Smith, Counsel**Meeting Dates:** 4/5, 4/8**WHAT THE MEASURE DOES:**

Instructs the Oregon Criminal Justice Commission (CJC) to conduct a study on data, data collection practices, and data availability at local and regional correctional facilities in each county. Instructs CJC to study the manner, means, costs, and barriers to health care at local and regional correctional facilities across the state. Directs CJC to obtain and analyze the standards, policies, and procedures used by local and regional correctional facilities in order to determine whether they adequately protect the Constitutional rights of prisoners and follow national best practices. Instructs CJC to convene an advisory council for the study. Requires local and regional correction facilities to submit primary, unprocessed data and other information and documentation to CJC by January 1, 2020. Requires CJC to report the findings of the study to the Legislative Assembly by September 15, 2020. Sunsets study on January 2, 2021. Repeals requirement that sheriff receive and keep any federal prisoner. Repeals payment by United States to sheriff for keeping and support of federal prisoners.

ISSUES DISCUSSED:

- Lack of jail data
- Current media coverage of jail conditions and death rates
- Release of Oregon State Sheriffs' Association Jail Standards
- Jail prisoners medical and mental health needs
- Jail prisoners constitutional rights
- Lack of funding for jails and specifically, jail health care

EFFECT OF AMENDMENT:

Replaces the measure.

BACKGROUND:

In Oregon, individuals accused of crimes and awaiting trial or sentencing as well as individuals who have violated probation, who are convicted of a misdemeanor, or who are sentenced to less than a year in custody, are detained in local and regional correctional facilities, commonly referred to as jails. Additionally, current statutes require local jail facilities to house and transport federal prisoners and charge the sheriff with prisoner's safekeeping under federal requirements. ORS 169.540; 169.530. Jails are operated by the county sheriff. ORS 135.215. Oregon law requires jails to comply with statewide standards. ORS 169.076; ORS 169.620. Further, jails must be inspected on a regular basis by county commissioners and grand juries, ORS 132.440 and ORS 169.040. The Department of Corrections also has authority to inspect them. ORS 169.070. Under federal law, the majority of individuals held in jail are ineligible for Medicaid, otherwise known as the Oregon Health Plan. 42 U.S.C. § 1396d. Further, although the Bureau of Justice Statistics collects data on Mortality in Correctional Institutions that includes jails, jail participation is voluntary and data therefore incomplete.

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Recent reports have found that jails are underresourced, including failing to provide the medical and mental health care their populations require. Additionally, there is no consistent data on jails, their population, or health care services. Underfunding of jails has contributed to an increase in inmate deaths, the most common cause being suicide. Incomplete data hinders officials from understanding those deaths and the conditions in Oregon's jails.

House Bill 3289 A directs the Criminal Justice Commission to study data, data collection practices, and data availability in addition to the manner, means, costs and barriers to providing health care at local and regional correctional facilities in counties across Oregon. It also repeals ORS 169.530 and ORS 169.540 which require sheriffs to receive and keep federal prisoners.